FORM PTO-1390 (REV. 120-2004)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 37794-0044US
TRANSMITTAL LETTER TO THE UNITED STATES **DESIGNATED/ELECTED OFFICE (DO/EO/US)** **CONCERNING A FILING UNDER 35 U.S.C. 371**		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) **10/523969**

INTERNATIONAL APPLICATION NO. PCT/US03/024600	INTERNATIONAL FILING DATE 06 August 2003 (06.08.2003)	PRIORITY DATE CLAIMED 09 August 2002 (09.08.2002)

TITLE OF INVENTION

MECHANISMS OF MYOBLAST TRANSFER IN TREATING HEART FAILURE

APPLICANT(S) FOR DO/EO/US

Peter K. LAW

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.

2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.

3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.

4. ☐ The US has been elected (Article 31).

5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))

    a. ☐ is attached hereto (required only if not communicated by the International Bureau).

    b. ☒ has been communicated by the International Bureau.

    c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).

6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).

    a. ☐ is attached hereto.

    b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).

7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))

    a. ☐ are attached hereto (required only if not communicated by the International Bureau).

    b. ☐ had been communicated by the International Bureau.

    c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.

    d. ☒ have not been made and will not be made.

8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).

9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).

10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included

13. ☐ A preliminary amendment.

14. ☐ An Application Data Sheet under 37 CFR 1.76.

15. ☐ A substitute specification.

16. ☐ A power of attorney and/or address letter.

17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825

18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)

19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

20. ☒ Other items or information: Cover Page of Published Application (WO 2004/0143032 A3); Forms: PCT/IB/304, PCT//IB/301, PCT/IB/308, PCT/ISA/210; Application Data Sheet

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21. The following fees are submitted:	CALCULATIONS PTO USE ONLY
☒ a) Basic national fee...$300.00	
☒ b) Examination fee $200.00	
☒ c) Search fee...$100.00	

TOTAL OF ABOVE CALCULATIONS =	**$ 600.00**	

☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is $250 for each additional 50 sheets of paper or fraction thereof.

TOTAL SHEETS	EXTRA SHEETS	NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number)	RATE		
24-100 =	/50 =	0	x $250.00		

Surcharge of $130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total claims	20- 20 =	0	x	$50.00	$	
Independent claims	3- 3 =	0	x	$200.00	$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	$360.00	$	

TOTAL OF ABOVE CALCULATIONS =	**$ 600.00**	

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.	$ 300.00	

SUBTOTAL =	**$ 300.00**	

Processing fee of $130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +	$	

TOTAL NATIONAL FEE =	**$ 300.00**	

Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). $40.00 per property +	$	

TOTAL FEES ENCLOSED =	**$ 300.00**	

	Amount to be refunded:	$
	Amount to be charged:	$

a. ☒ A check in the amount of $300.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.

A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment

To Deposit Account No. 08-1641 A duplicate coy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

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Customer No. : 26633

SIGNATURE *Marvin M Motsenbocker*

NAME | Date

Marvin A. Motsenbocker | February 8, 2005

REGISTRATION NUMBER

36,614